

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14992 of Warren B. Buhler and Jane Armitage, pursuant to 11 DCMR 3107.2, for a variance from the side yard requirements (Sub-section 405.9) and a variance to allow an addition to an existing nonconforming structure which is nonconforming as to the side yard requirements (Paragraph 2001.3(b) and (c) for a proposed addition and alterations to a nonconforming structure in an R-1-B District at premises 3235 - 38th Street, N.W., (Square 1920, Lot 37).

HEARING DATE: April 19, 1989
DECISION DATE: April 19, 1989 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission ("ANC") 3C. ANC 3C, which is automatically a party to the application, did not file a written statement of issues and concerns.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 3C and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 405.9 and 2001.3. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is granted.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

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APPLICATION No. 14992

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated APR 28 1989, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Warren Buhler
3235 - 38th Street, N.W.
Washington, D.C. 20016


EDWARD L. CURRY
Executive Director

DATE: APR 28 1989